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HIGH COMMISSIONER FOR REFUGEES

Forty-sixth session

SUMMARY RECORD OF THE 505th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 October 1995, at 10 a.m.

Chairman: Mr. LARSEN (Denmark)

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The meeting was called to order at 10.20 a.m.

GENERAL DEBATE (agenda item 4) (continued) (A/AC.96/845, 846/Part II, 847, 850, 851, 852 and 855)

1. Mr. MANGUE (Observer for Equatorial Guinea) said that Equatorial Guinea appreciated and supported UNHCR's work because it was assisting millions of people who had lost everything as refugees. His own experience as an UNHCR official in Moscow and in Rwanda, where he had been physically attacked, had taught him that international protection officials should not fear death, but their inability to provide the requisite protection for people who needed it. Protection was the ultimate expression of UNHCR's work. He attached great importance to his time with UNHCR which had come to an end because of the financial crisis the United Nations faced.

2. He paid tribute to the High Commissioner and her staff. In her statement, the High Commissioner had outlined new priorities: comprehensive planning and bringing international protection strategies into line with new realities. He totally supported those priorities and the formulation of a plan to prevent internal displacement. Such measures, together with the strengthening of prevention activities, the political will of States and international efforts to solve the root causes of refugee problems, would make it possible to find medium-term and long-term durable solutions.

3. With regard to the Note on International Protection (A/AC.96/850), his country urged respect for and the full implementation of the 1951 Convention relating to the Status of Refugees, the 1967 Protocol and international and regional human rights instruments. It was to be hoped that UNHCR and other refugee and human rights organizations would set up appropriate machinery to strengthen the capacity of each country to prevent crises which might create more refugees.

4. His Government did not want its nationals to be refugees in other countries and, since 3 August 1979, it had been encouraging activities aimed at rehabilitation, national reconstruction, national reconciliation and respect for the principles of international law.

5. His Government was aware of the current financial crisis in the United Nations and it was plain that the resources available for humanitarian action fell short of needs. His country wanted to participate actively in the work of the Executive Committee, supported priority-setting and proposed the establishment of a working group to study ways and means by which countries such as his own could contribute to UNHCR's work. His delegation was prepared to discuss the details of that proposal.

6. Referring to the human rights situation in Equatorial Guinea, he said that the democratic process initiated in 1979 had reached an important phase. The Government was considering the setting-up of national institutions to promote and protect human rights. Fourteen opposition parties had been legalized. A pluralist parliament had been elected in 1993. Municipal elections had been held in September 1995 and presidential elections would be

held in 1996. That process was fostering his country's development as a model of democracy in the subregion and guaranteeing the participation of all citizens in political life.

7. The international community had to cooperate with his country's legitimate Government and not be influenced by neocolonial interests. If Spain continued its policy of humiliation and discrimination, Equatorial Guinea would again face a refugee problem. Independence had not been a gift, but had been achieved through the sacrifices of previous generations.

8. No democratic model ought to be imposed. Each country had to work towards democracy on its own and not as a result of pressure, which would cause war and other problems all too familiar to African countries. It was easy for outsiders to call a regime dictatorial if they were unaware of a country's problems. Cutting aid was an easy way to subjugate a country. He called on the Government in Madrid to put an end to its action, which was a violation of international law. In that connection, he recalled that the Equatorial Guineans who were now in Spain and other countries were economic refugees not political refugees.

9. Count DECAZES (Observer for the Sovereign Order of Malta) said that the Sovereign Order of Malta had made a modest contribution to the international community's efforts to contend with the problems raised by the 27 million refugees who needed help. It was determined to do everything it could to take part in efforts to solve refugee problems. It had helped to set up and run refugee camps in Rwanda and Zaire which had now been placed under the responsibility of UNHCR or Caritas Internationalis. The Sovereign Order of Malta was also cooperating with UNHCR, intergovernmental and non-governmental organizations to provide assistance in the territories of the former Yugoslavia. In accordance with its tradition and faith, the Order was therefore fulfilling its obligation to devote itself to the service of suffering mankind.

10. Mr. JOUBLANC (Observer for Mexico) paid tribute to the High Commissioner and her staff and said that full respect for international humanitarian law was a constant concern of his Government. In that context, more effective protection of the civilian population was the result not only of emergency humanitarian assistance, but also of reconstruction and reconciliation after hostilities had ceased. Only an effective human rights system and the establishment of the rule of law could consolidate peace and promote the reintegration of persons who had had to flee from conflict and violence.

11. The Note on International Protection (A/AC.96/850) expanded on the thinking set out in the Note which UNHCR had submitted in September 1994. The chief merit of the Note was that it emphasized the need for durable solutions in the refugees' countries of origin which would allow for their voluntary repatriation.

12. The refugee crisis in the world today was testing the response capacity of the various bodies which provided humanitarian assistance as well as the international legal system from which the system of international protection derived. Perhaps the best way to overcome the shortcomings of the legal

instruments in force was to hold an in-depth discussion of guidelines to provide support for the States most affected by massive flows of refugees and to guarantee adequate legal protection for refugees. Any initiative along those lines had to take regional differences and regional machinery into account. Eleven years after its adoption, the Cartagena Declaration had become a source of law, thus reflecting the solidarity of the Latin American countries. Mexico had embodied the definition of "refugee" contained in the Cartagena Declaration in its domestic legislation. His delegation was fully prepared to take part in a working group on the formulation of principles to serve as guidelines for international protection.

13. His delegation had also taken note with interest of document A/AC.96/846/Part IV/3 on UNHCR activities in Mexico in 1994-1995. His Government was particularly pleased with the process of the voluntary repatriation of Central American refugees in south-east Mexico which had begin in January 1994 and which had not been affected by the situation in the region.

14. As further proof of its commitment to UNHCR's work, Mexico had made a voluntary contribution to the Special Programme in favour of refugees from Guatemala.

15. His Government's concern about the world's refugee situation was not limited only to guarantees of legal protection in host countries. A comprehensive approach also meant that attention had to be given to reconstruction and development problems.

16. At the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held in Vienna from 25 September to 13 October 1995, Mexico had proposed a total ban on the production, storage, transfer and use of mines, which were weapons that did not discriminate between combatants and civilians. They caused thousands of victims every year even after hostilities had ended. Since some delegations had been able to agree on only a few restrictions on the use of mines, his country had worked actively during the negotiations to achieve even that limited objective as a means of saving lives. Unfortunately, no agreement had been reached on technical parameters allowing for certain restrictions and the Conference had been adjourned until 1996.

17. His delegation hoped that the intervening period would serve to settle technical questions and increase political will to prohibit and clear mines which wounded the civilian population and prevented refugees from returning home.

18. Mr. SALMAN (Observer for Iraq) said that his delegation had listened with great interest to Mrs. Ogata's statement describing in detail the activities of UNHCR and discussing the challenges facing it due to increasing domestic and international conflicts and the resulting flows of refugees and internally displaced persons, which called for international efforts involving UNHCR to safeguard the rights of refugees and ensure their protection. Securing their

repatriation meant taking a radical humanitarian approach far removed from the political goals of some countries that sought to exploit the refugee situation and hampered UNHCR efforts to reach satisfactory and durable solutions.

19. His country had been living for more than five years under a total economic embargo, which had been imposed following the complete destruction of its economic infrastructure by aggression in the Gulf war and which continued to have repercussions on the lives of the Iraqi people, affecting their stability and human rights, as well as the development process. Scarcity of food and medical supplies, inflation and reduced purchasing power had prompted thousands of Iraqis to leave the country in search of better prospects. The lifting of the embargo was the only way to halt the exodus, to end the sufferings of the Iraqi people and to encourage Iraqi refugees to return to their country.

20. Contrary to refugee law, States hosting Iraqi refugees were taking advantage of their plight and using them in various ways against their own country and for purposes of subversion. They were being exploited in Saudi Arabia in a manner inconsistent with the requirements of international law with the instigation of sectarian and racial intolerance and internecine strife among them that, according to various media reports, had resulted in many being shot by the Saudi Arabian forces responsible for protecting the camps. Such acts should be condemned and a mechanism was needed to strengthen UNHCR action to ensure international protection, as well as to prevent the politicization of the refugee question. Attention should also be drawn to the hostile information campaigns in some neighbouring countries hosting Iraqi refugees that were designed to intimidate the refugees and dissuade them from returning voluntarily to their country, even though Iraq had granted a general amnesty to all Iraqi refugees accused of political crimes. Several thousand Iraqi refugees had, however, returned from Saudi Arabia and Iran.

21. In that regard, his delegation wished to question Iran's claim to be hosting 598,750 Iraqi refugees. That was an exaggeration: UNHCR sources put the figure at close to 100,000 and the other persons were Iranians who had been forced to return to their country at the start of the Iraq-Iran war. For humanitarian reasons, Iraq and Iran had signed a memorandum of understanding on refugees in mid-September whereby the parties would consider all requests for repatriation from refugees in Iran claiming to be Iraqi nationals and from refugees in Iraq claiming to be Iranian nationals. If nationality were established, the two parties would take legal measures to receive their nationals.

22. Despite economic hardship, Iraq was continuing to host more than 120,000 refugees, including 38,560 Iranians, 62,500 Palestinians and 17,500 Turkish Kurds. In addition, his Government had made agricultural land available to some 12,000 Iranians from Ahvaz province and was allowing them to work. Because of the economic difficulties, however, the situation of refugees in Iraq was a matter for concern. UNHCR assistance was by no means sufficient to meet the needs of such large numbers and the ideal solution would be to arrange for their voluntary repatriation, especially in the case of the Iranians and Turks. UNHCR's efforts had thus far encountered little success

and Iraq requested it to urge the Iranian authorities to agree to the return of the Iranian refugees, most of whom had fled Iran because of the Iraq-Iran war and did not qualify as political refugees.

23. Repeated large-scale military operations by the Turkish armed forces in northern Iraq, allegedly to track down PKK militants in refugee camps, was driving out many Iraqi citizens, causing destruction of property and endangering lives. The Government of Turkey was called on to cease those acts of aggression and to respect Iraq's sovereignty and territorial integrity, as well as to pay compensation for the damage inflicted. In addition, his delegation wished to put on record its objection to the long-term presence of thousands of Turkish refugees in Iraq, despite the country's economic difficulties and in view of the security threat posed by Turkey's incursions. An expeditious solution would be for their voluntary repatriation to be ensured with appropriate guarantees from the Turkish Government.

24. Under its humanitarian mandate and with its comprehensive knowledge of the country's circumstances, UNHCR was invited to do its utmost to draw international attention to the ordeal of the Iraqi people and call for the lifting of the embargo on Iraq to ensure a life of dignity for its population, the repatriation of refugees and an end to the human suffering.

25. Mrs. SIMBIZI (Observer for Burundi) commended UNHCR's valuable work, which had notably benefited more than half a million Burundians. Following the dramatic events of October 1993, with the assassination of President Ndadaye and the resulting political and ethnic massacres, many Burundians had taken the path of exile, gathered in refugee camps within the country or sought shelter in safer provinces or communes. In turn, with the dramatic events in Rwanda, especially since April 1994, Burundi had hosted thousands of Rwandan refugees, adding to those of previous years. Burundi thus found itself in the unusual position of being both a country of origin and a host for refugees, as well as one of the African countries that sheltered many displaced persons, and was experiencing all the problems that entailed in political, social, economic and health terms. Her Government was grateful for the help it had received from the international community, and particularly UNHCR, to address that situation.

26. In line with its policy of promoting the voluntary repatriation in full dignity of exiled Burundians and the reintegration of displaced persons within Burundi, her Government had recently adopted a plan of action for humanitarian assistance involving a series of mechanisms to implement the repatriation policy, with priority in national efforts being given in the first phase of the campaign to the return to peace.

27. Burundi was fully prepared to establish the necessary contacts for the repatriation of refugees and, in collaboration with UNHCR, had adopted an operational plan for repatriation specifying the responsibilities of each side. There had also been positive results from the tripartite commissions already in place, whose work would be resumed after having been interrupted since 1993. The tripartite commission comprising Burundi, UNHCR and Zaire was much awaited. Burundi was of the view that the regional meeting of Heads of State should be brought forward to permit in-depth discussion of the refugee question. It supported the resolutions of the Bujumbura Conference and urged

their speedy implementation. It also looked forward to the holding of a regional conference on peace, stability and development in the Great Lakes region, being convinced of the need for a comprehensive approach to the core problems of population displacements, and hoped that the conference would lead to the establishment of a follow-up mechanism, as well as specific commitments by the countries concerned and by the international community.

28. Burundi was also aware that the preconditions for the return of refugees and the process of reconstruction were a return to peace and internal security. Efforts had therefore been undertaken by the Government to resolve the crisis in Burundi in a durable manner. The administration, the forces of law and order and the population were increasingly working together to combat all extremists and to neutralize the armed groups and militias that were sowing terror and desolation across the country. Burundi was also preparing for a country-wide discussion involving all segments of the nation to propose concrete solutions for bringing an end to the chain of violence. It counted on the assistance and support of the United Nations and the international community in general to create an environment conducive to the success of that great endeavour.

29. Burundi trusted in the hospitality characteristic of the African countries and the understanding of the international community. Its great concern was for the Burundian refugees to return and thus put a stop to allegations that Burundi was engaging in a form of ethnic cleansing. It called on all those willing to lend their support to look at the Burundian crisis objectively and thus avoid gratuitous declarations tainted with subjectivity that could not aid Burundi's recovery efforts. In conclusion, she wished to assure countries affected in any way by the crisis of her Government's complete openness and to reaffirm its readiness to cooperate with the High Commissioner, her staff and the international community.

30. Mr. SESINYI (Observer for Botswana) said that his country had no doubt that UNHCR had a capable leadership to achieve the goals it had been mandated to pursue. It shared the view that the role of the international community was not only to provide refugee protection, but also to participate actively in seeking positive solutions to conflicts that would facilitate the safe and dignified return of displaced persons to their countries of origin. The status of refugee or displaced person must be a temporary state.

31. With the advent of democracy and the peaceful resolution of conflict in the subregion of southern Africa, the refugee population in Botswana had been significantly reduced. Thousands of formerly displaced persons had returned home, and that was to be welcomed not only because it relieved the burden of resource utilization, but because it was symptomatic of positive developments in the region. There were still a number of refugees in Botswana, but with further promising developments in the region and the disappearance of pockets of conflict, most exiled persons would be able to be reunited with their compatriots in the not too distant future, while those remaining would continue to enjoy hospitality and a share of Botswana's limited resources until the situation in their countries improved.

32. Botswana was, however, witnessing an increase in the number of people coming from outside the region in search of political asylum. It shared the

conviction that the principle of first country of asylum was a prerequisite for burden sharing. Although that did not preclude looking at cases on the basis of merit, as Botswana was doing, the principle was a vital yardstick for granting protection and asylum in an organized, systematic and equitable fashion.

33. The international community must remain alert to any measures of refugee acceptance that would stigmatize the concept of asylum within the context of the domestic politics of the host country. That was why the concept of burden sharing was all the more appealing. Ways and means of improving the plight of displaced persons should be in harmony with the interests of the nationals of the host countries. Botswana's own experience had been one of successful integration of the refugee population into the rest of the community, with some refugees even taking Botswanan citizenship and becoming productive members of society. That had been achieved by the synchronization of international obligations with domestic responsibilities. In time, the local population had come to see the refugee situation less as a burden and more as a contribution to a more humane world situation. The people of Botswana now felt that they were shareholders in the peace that had succeeded turmoil in most parts of the region.

34. Botswana would continue to shoulder its share of international responsibility and humanitarian obligations within the context of the UNHCR mandate. It felt that, where conflict had abated and circumstances permitted repatriation, UNHCR should actively pursue its efforts to assist in the return of displaced persons, thus enabling countries to harmonize relations and cooperate more confidently and fruitfully. Prolonged stay of citizens of one country in the territory of another where conflict situations had been eradicated tended to create diplomatic discord between countries. Both displaced persons and the local population must reap the immediate benefits of peaceful conflict resolution, with one sector returning home and the other gaining the satisfaction of having been successful hosts.

35. Mrs. KALNIETE (Observer for Latvia) said that, following independence in 1991, Latvia had established a Department of Citizenship and Immigration to develop immigration policy and services and to institute proper immigration procedures. However, the Department had not initially been able to prevent the growing illegal immigrant flows through Latvia, the first groups of illegal immigrants having been arrested only at the end of 1994. The Government had therefore set up a working group to undertake a comprehensive analysis and suggest ways of remedying the situation. Its proposals had led to the creation of an immigration police and additional resources had been allocated to strengthen the State borders and to provide further training for border guards.

36. Proposed legislation on asylum-seekers would include the internationally recognized criteria for distinguishing between persons fleeing political persecution and those leaving their countries for economic or other reasons. The draft law stated that no person could be deported to a country where there existed a threat to that person's life due to his or her political views, ethnic origin or religious belief.

37. A temporary reception centre had been established in April 1995 to accommodate convicted illegal immigrants. There were currently 128 persons, including women and children, in the centre who had no identity documents. They were thought to include Afghans, Iraqis, Kurds, Iranians, Palestinians and Bengalis.

38. Since the disintegration of the Soviet Union, Latvia had become a permanent target for illegal transit migration mainly via the Commonwealth of Independent States, which had instituted a common visa-free regime. Since, in addition, some CIS countries had special agreements with third countries on visa-free status, it was difficult to maintain effective control over movements across the common CIS border. To check illegal immigration, Latvia had prepared draft readmission agreements and had submitted them for consideration to the Russian Federation, Ukraine and Belarus. A similar mutual agreement between the three Baltic States had been signed in July 1995. Latvia was convinced that the most effective way of regaining control over illegal immigration was bilateral cooperation among the affected countries based on such readmission agreements.

39. Although Latvia fully agreed with the norms of the 1951 Convention and the 1967 Protocol, it was currently unable to implement all the obligations and responsibilities deriving from them, but would ratify these instruments as soon as the essential national and practical framework had been established. Her Government was, however, fully meeting its obligations and responsibilities under the seven major international human rights instruments to which Latvia was a party and recognized the principle of non-refoulement as well as the binding authority of the UNHCR mandate, under which persons seeking asylum were to be protected whether or not a State was a party to the Convention and the Protocol.

40. Her Government had proven on many occasions that it was ready to consider any constructive criticism and at the same time hoped that the international community and international organizations would extend effective assistance to resolve the practical difficulties it was facing. The immigration police lacked professional training and had outdated equipment and no computerized database. Reorganizing the reception centre, at an estimated cost of more than US$ 420,000, would overburden a State budget already suffering from the impact of countless other emergencies. Monthly expenditure for each person in the centre amounted to US$ 150, while the average retirement pension in Latvia was approximately US$ 65.

41. Furthermore, while recent data indicating a decrease in the number of illegal migrants passing through Latvia to the Nordic countries showed that the measures taken by the Latvian authorities were proving effective, many western countries were considering tighter immigration legislation and her Government was concerned that Latvia would become a stockyard of captured illegal immigrants for whom it was only a transit country on the road to western Europe. Latvia expected the international organizations and neighbouring countries to be more active in providing the practical assistance it needed.

42. Latvia welcomed the regional approach in elaborating strategy to avert further population displacements in the CIS countries and to halt transit

migration via the CIS to the Baltic States. Latvia was not a country of origin, but as one of the recipient countries it was actively following the preparatory process for the Conference on migration in the CIS region. In that regard, she cautioned against the notable tendency to go behind the mandate of the Conference and address problems with broader political content. International law had internationally recognized language for the persons or groups concerned and that language should be observed without inventing a new glossary. The politicization of the Conference agenda could become an obstacle to the successful implementation of General Assembly resolution 49/173.

43. Mr. HOSSEINI (Islamic Republic of Iran), speaking in exercise of the right of reply, said that he wished to make two brief points in reference to the statement by the Observer for Iraq. First, Iraqi refugees in the Islamic Republic of Iran were regularly visited by UNHCR representatives and there was no doubt about their refugee status. Secondly, refugees in Iraq claiming Iranian citizenship could return to Iran after screening to establish their citizenship.

44. The CHAIRMAN, summing up the general debate, noted that repeated mention had been made of a number of critical situations, particularly those in the former Yugoslavia and the Great Lakes region of Africa. Given the particular dimensions of the refugee problem in Africa, as well as recent prospects for solutions in parts of that continent, the Executive Committee had been privileged to hear a keynote statement by Mr. Salim, Secretary-General of the Organization of African Unity. The complexity of current situations, whether in emergencies or solutions, had also been repeatedly stressed, as had the need for comprehensive, innovative and coordinated approaches combining the necessary action at the political, economic and humanitarian levels.

45. One of the principle themes to emerge from the debate had been the importance of protection, together with a consensus on the need to respect the fundamental principles of international protection and the institution of asylum. A number of delegations had expressed concern at restrictive interpretations of the 1951 Convention and had pointed to the erosion of asylum.

46. The debate had reflected a willingness on the part of member States to work with UNHCR in ensuring the predictability of protection. In that connection, many delegations had stated that they were prepared to take part in discussions on the formulation of non-binding guiding principles for the provision of international protection to persons fleeing situations of conflict who were unable to return safely to their countries of origin. The need for flexibility in that respect had been stressed.

47. While emphasizing the rights of refugees, a number of speakers had also drawn attention to their obligations, which had to be respected if the tradition of asylum was to be preserved. Some speakers had highlighted the security concerns of countries of asylum and origin and stressed, inter alia, the need to ensure the security and civilian nature of refugee camps. A number of delegations had also underlined the importance of resettlement as a durable solution and a tool of international protection.

48. Refugee women had also been among the major themes of the general debate and the constructive role played by UNHCR in preparing the fourth World Conference on Women had been welcomed, although a number of delegations had expressed the desire to see UNHCR's policies more effectively translated into practice.

49. The debate had also highlighted protection considerations in relation to solutions, with repeated emphasis on the primary importance of voluntary repatriation. Emphasis had been placed on the responsibility of countries of origin to accept returning nationals, forcible repatriation had been condemned and a number of speakers had cautioned against over-hasty measures to repatriate refugees before their safety and human rights could be assured. The need for international assistance in creating conditions conducive to repatriation had been stressed and several delegations had pointed to the lack of progress in the repatriation of particular caseloads as a result of resource constraints.

50. If solutions were to be sustainable, there had to be an international commitment to the rehabilitation not only of the economies of post-conflict societies, but also of institutions that ensured the rule of law and respect for human rights. International presence and monitoring had been highlighted in that connection. The Executive Committee had heard a welcome statement from the United Nations High Commissioner for Human Rights which had included an account of efforts being made to strengthen human rights field operations, particularly in the Great Lakes region and the former Yugoslavia.

51. The Executive Committee had also been privileged to hear first-hand statements by representatives of a large number of countries deeply affected by a large-scale refugee presence, together with a description of the burden placed on their socio-economic infrastructure, and environment and, in some cases, on national and regional security. Calls had been made for increased assistance and international support to offset those costs and the development by UNHCR of guidelines on refugees and the environment had been welcomed.

52. Repeated stress had been placed on the need for individual Governments and the international community to take effective preventive measures to pre-empt the conditions which caused refugee flows and to address the human rights dimensions of prevention, particularly with regard to the rights of minorities. The need for UNHCR to continue to explore innovative approaches had been mentioned and its efforts to address the specific problems of forced displacement in the Commonwealth of Independent States region had been in particular noted and welcomed.

53. UNHCR's work with internally displaced persons had been recognized as a valid and valuable part of preventive activities and the need to take account of the particular conditions of internal displacement and to secure the consent of States concerned had also been mentioned. The need to ensure complementarity of roles in both emergency response and solutions had been emphasized, with special mention by several delegations of the principle of comparative advantage. The resolution of the Economic and Social Council on the strengthening of the coordination of emergency humanitarian assistance (1995/56) had been cited as providing an important basis for further work in that regard.

54. At a time of scarce resources, a number of delegations had stressed the need to ensure greater efficiency, transparency and accountability, an important component of which was the strengthening of UNHCR's management. It was hoped that the newly created post of Assistant High Commissioner and the Inspection and Evaluation Service would be valuable tools in promoting those goals. A number of speakers had also highlighted the need to professionalize relationships with implementing partners given their increased importance in all aspects of UNHCR's work. Lastly, the steps proposed to reform the working methods of the Executive Committee had been welcomed as a means of ensuring improved governance and transparency.

PROGRAMME, ADMINISTRATIVE AND FINANCIAL MATTERS (agenda item 5)

(a) REVIEW OF UNHCR PROGRAMMES FINANCED BY VOLUNTARY FUNDS IN 1994-1995 AND OF PROPOSED PROGRAMMES AND BUDGET FOR 1996 (A/AC.96/845 (parts I, I/Add.1, II and III), 846 (parts I-VII and Part VII/Add.1) and 854)

(b) STATUS OF CONTRIBUTIONS AND OVERALL FINANCIAL REQUIREMENTS FOR 1994 AND 1995 (A/AC.96/845/Add.1 and 849)

(c) ADMINISTRATION AND MANAGEMENT (A/AC.96/848, 853 and Add.1 and Add.2)

(d) ADOPTION OF THE 1996 GENERAL PROGRAMMES (A/AC.96/845 (part I) and 849)

55. Mr. WALZER (Deputy High Commissioner) said that the Executive Committee was being asked to endorse the revised but in total unchanged General Programmes target of US$ 428.7 million for 1995 and an initial target of US$ 445.3 million for 1996. Those targets represented priority needs in the light of what UNHCR believed it could expect in funding for General Programmes. Programme requirements would have to be kept under continuous review, taking also into account priorities as indicated by the Executive Committee and the funding levels that could actually be achieved.

56. The High Commissioner was extremely grateful for the generous donor support to date, which totalled approximately US$ 757 million towards currently budgeted needs of some US$ 1.3 billion for both General and Special Programmes. However, he drew the attention of the Executive Committee to certain programmes with particularly urgent funding needs, such as the Mozambique repatriation, the Horn of Africa and the Burundi/Rwanda emergency operation; the shortfall was particularly serious in the latter case as it left very little room for manoeuvre in response to increased repatriation or potential exodus. The High Commissioner appealed to donors to respond urgently with further contributions. As in the past, member Governments would be kept informed, through the inter-sessional meetings, of major developments with regard to programme requirements and the funding levels attained.

57. Discussions in the Sub-Committee on Administrative and Financial Matters had centred on several operational and management issues: it had been recognized, in the follow-up to the fourth World Conference on Women, that efforts had to shift to implementation in order to allow refugee women to

benefit from the policies and guidelines established; with the very active support of Governments, there had been new achievements in improving emergency response capacities; it had also been possible to demonstrate meaningful, substantive progress in inter-agency cooperation and UNHCR saw the process initiated by Economic and Social Council resolution 1995/56 on the strengthening of the coordination of emergency humanitarian assistance as an opportunity further to develop its partnerships with sister agencies.

58. Spurred on by the recommendations of the Auditors and the comments of the Advisory Committee on Administrative and Budgetary Questions, UNHCR would renew and intensify its focus on programme management arrangements with NGOs and particularly its ability to monitor and control, which had been stressed by the High Commissioner as an important priority for the coming year. Speedier implementation of audit recommendations would receive heightened attention under procedures recently reviewed with the Under-Secretary-General for Internal Oversight Services.

59. Regarding in-house management, the High Commissioner was grateful for the support of member Governments for the new position of Assistant High Commissioner. The Sub-Committee on Administrative and Financial Matters had also had an opportunity to brief member Governments on current management initiatives aimed at a more efficient functioning of the Office. UNHCR also recognized the need to consolidate those ongoing initiatives with new ones, combining them in a comprehensive and well-structured action plan focusing on management and administrative processes, procedures and tools, a strong orientation towards cost savings, containment of growth and options for downsizing, particularly with regard to headquarters. The members of the Executive Committee would also be kept informed during the forthcoming inter-sessional meetings of progress in that area.

60. Lastly, he expressed sincere appreciation to the Chairman for his dedication in guiding the work of the Sub-Committee on Administrative and Financial Matters, the Informal Consultations on UNHCR's Budgetary Structure and the deliberations of the Working Group on Executive Committee Working Methods, whose conclusions and recommendations (EC/SC.2/75 and Corr.1 and 76) had been adopted by the Sub-Committee and were being submitted to the Executive Committee for endorsement.

61. The CHAIRMAN noted that the Sub-Committee on Administrative and Financial Matters had already adopted its report (A/AC.96/859). If he heard no objection, he would take it that the Executive Committee also wished to adopt the report.

62. It was so decided.

63. Mr. CAI Jie (China), referring to UNHCR programme assistance to Indo-Chinese refugees in China, that, during the 1970s, nearly 200,000 Indo-Chinese refugees had entered China, most of them nationals of their countries of origin where they had resided for many generations. There were now 280,000 Indo-Chinese refugees in China. The Government of China had always strictly observed the 1951 Convention and the relevant United Nations resolutions, and had also ensured the basic rights of refugees in terms of livelihood, employment, education and health care, albeit at tremendous cost.

UNHCR had provided valuable assistance in assuming that burden. Although over 10 years had passed since their arrival, many of the refugees were still living in difficulty and still needed assistance. Some of them still had relatives and property in their native land to which they were deeply attached and they were eager to return home at an early date for family reunion.

64. In its statement during the general debate, his delegation had said that it was in favour of voluntary repatriation as the best solution to the problems of Indo-Chinese refugees and that it would respect the will of the refugees and cooperate with their country of origin and UNHCR to assist voluntary repatriation.

65. When conditions were ripe, the Government of China would initiate the naturalization process for those refugees who wished to stay in China. The Government of China hoped that the international community and, in particular, the Government of the countries of origin would continue support for efforts to seek a durable solution.

66. Mr. SKOGMO (Norway), speaking on behalf of the five Nordic countries, said that the major issue in the report of the Board of Auditors (A/AC.96/853) was UNHCR's relations with its implementing partners. The report enumerated a number of incidents where implementing partners had not furnished audited accounts and audit certificates from independent audit authorities, as required, and furthermore disclosed a number of problems relating to accounting records, UNHCR's agreements with implementing partners and excessive overheads by some of the implementing partners. That was an issue of particular concern to the Nordic countries and, in that regard, the incident involving the South African repatriation programme had caused some worry. Follow-up on the various aspects of the oversight reports would therefore be an issue in the inter-sessional programme of work of the Standing Committee.

67. To overcome such serious problems and bring implementing partners into line with the recommendations of the Board of Auditors, urgent action was needed. An improved audit control system was an obvious initial measure to enhance transparency concerning implementing partners' performance. Many implementing partners, local NGOs in particular, had a rather limited background in financial management, even though they performed perfectly in the field. The Nordic countries encouraged efforts to strengthen the education of partners in that respect. Together with the new set of criteria and requirements established for implementing partners, UNHCR should possess an adequate set of tools to secure a better overall performance in keeping with its standards. In that context, he welcomed steps taken towards a more efficient and streamlined UNHCR, through the establishment of a modernized budget structure, new working methods and enhanced governance, as agreed on by the Sub-Committee on Administrative and Financial Matters.

68. Mr. WALZER (Deputy High Commissioner) said that the auditors' findings would receive priority attention and that the Secretariat would report back to the Committee at its inter-sessional meetings.

69. The CHAIRMAN invited the Committee to consider the various proposals relating to General Programmes summarized in document A/AC.96/845/Part I and amended during the debate. He read out the text of the draft decision:

"General decision on programme, administrative and financial matters

The Executive Committee

Confirms that the activities proposed under General and Special Programmes as set out in document A/AC.96/846/Parts I-VII have been found, on review, to be consistent with the Statute of the Office of the High Commissioner (General Assembly resolution 428 (V)), the High Commissioner's 'Good Offices' functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees (A/AC.96/503/Rev.5);

Requests the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under 1996 General and Special Programmes, which are tentatively estimated at $1.1 billion, and to any other needs that might arise, bearing in mind the Statute of the Office and the priority to be accorded to statutory activities, and the relevant provisions of the Financial Rules for Voluntary Funds;

Furthermore approves the revised 1995 General Programmes budget amounting to $428,732,500, as detailed in document A/AC.96/845 (Table III), and notes that the present estimates for 1995 General and Special Programmes amount to some $1.3 billion;

Also approves the country/area programmes, Other Programmes and the Headquarters budgets under the 1996 General Programmes, amounting to $357,434,900, as well as $25,000,000 for the Emergency Fund, $20,000,000 for the Voluntary Repatriation Fund and a Programme Reserve of $42,892,100 (representing 12 per cent of programme activities, all of which are detailed in document A/AC.96/845 (Table III), and which constitute a 1996 total General Programmes budget of $445,327,000, and authorizes the High Commissioner, within this approved level, to effect adjustments in project, country/area programme, Other Programmes and the Headquarters budgets, as may be required by changes affecting the refugee/returnee programmes for which they were planned;

Furthermore requests UNHCR to allocate the financial and human resources required for the implementation of the recommendations of the Working Group on Refugee Women and Children adopted by the Executive Committee at its forty-fifth session;

Furthermore requests the High Commissioner to keep the Executive Committee regularly informed on developments under both General and Special Programmes, including the uses made, in accordance with their established criteria, of the Emergency Fund, the General Allocation for Voluntary Repatriation (henceforth to be known as the Voluntary

Repatriation Fund) and the Programme Reserve, and on progress in implementing UNHCR policies under General and Special Programmes;

Furthermore notes the Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 1994 (A/AC.96/853), the report of ACABQ on UNHCR Activities financed by Voluntary Funds: report for 1994-1995 and proposed budget for 1996 (A/AC.96/854), the report of the High Commissioner on the work of UNHCR's Inspection Evaluation Service (A/AC.96/852), and requests to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

Also expresses serious concern about the observations of the Board of Auditors in its report (A/AC.96/853), especially those on management issues, and in particular those relating to continuing problems in regard to the lack of adequate managerial control by UNHCR in regard to programmes implemented by its partners, and asks that the matters raised in the report be reviewed in a systematic fashion by the Standing Committee;

Requests the High Commissioner to initiate a process of informal technical consultations on the question of overhead costs for non-governmental implementing partners, particularly headquarters costs, with a view to having an initial progress review at the time of the first session of the Standing Committee in 1996, and authorizes the Standing Committee, if it sees fit, to decide on this issue in the course of its deliberations during 1996;

Furthermore urges Member States and concerned Governments and bodies, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of international solidarity and burden-sharing, and in a timely manner, to her appeals for resources;

Notes the intention of the High Commissioner, in her efforts to improve conditions of service in the most difficult duty stations (categories D and E), to extend the provisions of the Fund for International Staff Housing and Basic Amenities as of 1996 to any duty station within these categories, including capital cities, and approves the use of Special Programme funds to replenish the Fund for International Staff Housing and Basic Amenities, to the extent that international staff benefiting from the provisions of the Fund are a charge to a particular Special Programme;

Approves the transfer of an additional amount of $150,000 from the 1995 Programme Reserve, and an amount up to $1,200,000 from the 1996 Programme Reserve, to the Fund for International Staff Housing and Basic Amenities;

Approves the creation of the post of Assistant High Commissioner (Policy, Planning and Operations) at the Assistant-Secretary-General

level, to be funded from voluntary funds, and related staffing (an executive assistant at the P-4 level and a secretary at the G-5 level);

Approves the proposal set out in document EC/SC.2/81: Education Account (para. 4, option 3), whereby the Office of the High Commissioner would be allowed, exceptionally, to charge to General Programmes the expenditure still to be incurred in relation to remaining tertiary level students, and which cannot be met through the Education Account."

70. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee adopted the draft decision.

71. It was so decided.

72. The CHAIRMAN invited the Chairman of the UNHCR Staff Council to address the Committee.

73. Mr. ISHAK (Chairman of the UNHCR Staff Council) said that the UNHCR staff of 5,000 persons including 4,000 serving in more than 200 offices around the world and 1,000 working in four separate headquarters buildings in Geneva, was more than twice the size the Executive Committee in 1990 had thought should be the maximum number UNHCR would require to fulfil its mandate. They should truly be regarded as a valuable asset to the international community, particularly at a time when the number of people uprooted by persecution, war and conflict was now approaching 50 million and was increasing. Therefore, while it was legitimate for the donor community to scrutinize expenditures and reduce costs, serious and careful consideration should be given to the issue of optimum staffing needs before any plan for downsizing UNHCR was made. While the Staff Council was deeply concerned by the overall financial crisis at the United Nations, it respectfully urged the Executive Committee not to base decisions on such matters solely on numbers.

74. General service staff at headquarters and local staff in the field, who together represented some 70 per cent of the human resources of UNHCR, were the backbone and the institutional memory of the organization. Their efficiency was critical to the smooth running of UNHCR's offices around the world. The conditions of service of international staff were governed by the "common system" methodologies. Unfortunately, those methodologies were not sufficiently geared to the needs of field-oriented organizations such as UNHCR, particularly in respect of those staff members whose careers required continual mobility and who often had to work under hazardous, insecure or unsafe conditions, often separated from their families. Those special field conditions must be taken into account when studying UNHCR's staffing requirements. Also of particular importance was the question of the classification level of UNHCR posts in the field. Such posts should carry a level of responsibility and authority which recognized the value of direct exposure to, and immediate decision-making required in, refugee situations. That would also result in a shift towards a more functional and task-oriented structure.

75. In the past year, the staff had continued to be very concerned by the worsening situation of refugees and had accordingly organized a peaceful demonstration in front of the Palais des Nations in July 1995, along with

other humanitarian workers and their families, as a public protest against those who deliberately killed and maimed civilians and to show support and encouragement for those who were trying to halt war and violence. That was the second demonstration of its type, the first having taken place in April 1994, when the staff and the senior management had jointly organized a silent demonstration to condemn "political indifference" towards the killing of and attacks on humanitarian workers. The staff had also decided to donate one day's salary as a symbolic gesture of their shared commitment to alleviate the misery of refugees, resulting in over 200,000 Swiss Francs being donated to the High Commissioner for the children of Rwanda.

76. Turning to the issue of staff security, he said that the Council fully supported the High Commissioner's efforts to ensure that the application of the Convention on the Safety of United Nations and Associated Personnel was automatically and equally extended to all United Nations and associated personnel and that activities aimed at reducing the security risks for the staff, such as communication systems, the development of security training and stress management programmes, were excluded from any budgetary restrictions resulting from the financial crisis. UNHCR, with the help of the Staff Counsellor, was undertaking pioneering work in the area of "stress management", an area which required additional inputs and deserved attention, as it had direct bearing on the welfare of the staff.

77. The staff Council thanked the Director of the Division of Human Resources Management, who would be leaving UNHCR shortly, for the valuable efforts and contribution he had made since his appointment two years previously. It was also important to ensure that the development and implementation of the career management system (CMS) would not be affected by the change in director. That system was the appropriate way to go about creating a culture conducive to high staff morale and to improving efficiency. The Staff Council had, however, been concerned that the views of the staff channelled through the system were not being adequately reflected in the project design. The Council had recently brought its concerns about the CMS to the attention of the High Commissioner and the Deputy High Commissioner, who had directed that the issue should be kept under close review.

78. With a few exceptions, the Council had been fully satisfied with the level of cooperation it had received from the Division when dealing with issues of concern to the staff. It expected that instances of abuse or misuse of authority would be very firmly dealt with and, in that regard, attached great importance in its new work programme to the need for the further strengthening of the joint staff-management machinery. The role of the Staff Council and the Joint Advisory Committee in promoting the needed improvements in the conditions of the 5,000 women and men who formed the Office had been a key factor in improving the overall organizational performance with a true impact on the quality of UNHCR's services to refugees.

The meeting rose at 12.50 p.m.